

**ORDINANCE NO. 2009-7**

**AN ORDINANCE OF THE VILLAGE OF KEY BISCAYNE, FLORIDA, AMENDING CHAPTER H, "ADMINISTRATION" OF THE CODE OF KEY BISCAYNE, FLORIDA CREATING NEW ARTICLE XIX, «K-8 EDUCATION ADVISORY BOARD"; ESTABLISHING A NEW BOARD AND PROVIDING REQUIREMENTS FOR MEMBERSHIP AND JURISDICTION OF THE BOARD; PROVTOING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE AND PROVTOING FOR AN EFFECTIVE DATE.**

**WHEREAS**, pursuant to Village Code Section 2-10, the Village Council desires to create a K-8 Education Advisory Board to provide recommendations to the Village Council and Village Manager regarding enhancement of K-8 education within the Village and the possible creation of education compacts; and

**WHEREAS**, the Village Council finds that the creation of a K-8 Education Advisory Board is in the best interest of the Village and its residents.

**NOW THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE VILLAGE OF KEY BISCAYNE, FLORIDA, AS FOLLOWS:**

**Section 1. Recitals.** That the above recitals are true and correct and incorporated herein by this reference.

**Section 2. Creation of Board.** Article XDC "K-8 Education Advisory Board" of Chapter II "Administration" of the Village Code is hereby created, to read as follows:

\* \* \*

**Article XDC K-8 Education Advisory Board.**

**Sec 2-237. Creation, composition, and qualifications.**

- (a) In accordance with Section 2-10 of the Village Code, there is hereby created and established the Village of Key Biscayne K-8 Education Advisory Board (the "Board"). The Board shall be composed of seven (7) members appointed by the Mayor, with the approval of the Council.
- (b) All Board members shall serve at the pleasure of the Village Council as provided by Village Code Section 2-10.
- (c) Except for the initial Board, each member of the Board shall be appointed to a term of two (2) years. For the initial Board, four (4) members shall be appointed for a term of two (2) years and three (3) members shall be appointed for a term of one (1) year, as determined by the Mayor with the approval of the Village Council.
- (d) Members of the Board shall serve without compensation and shall not be reimbursed for travel, mileage, or per diem expenses.
- (e) Each member of the Board shall be a full time resident of the Village who has continuously resided within the Village for the twelve-month period immediately prior to the appointment, and shall not be an employee of the Village; provided, however, that employment as a teacher shall not disqualify an individual from service on the Board. Any member who ceases to reside within the Village limits during his or her term of office shall be deemed to have resigned as of the date of his or her change of residence from the Village.
- (f) In the event of the resignation or removal of any member of the Board, the Mayor shall appoint a person to fill the vacancy on the Board for the unexpired portion of the term of the member vacating such office, subject to approval of the Village Council.

**Sec 2-238. Term of office.**

Except for the initial Board, members shall be appointed for a term of two years. Members may be reappointed.

**Sec 2-239. Advisory Capacity; Standards of Conduct**

The powers and duties of the Board shall be solely of an advisory nature to the Village Council and Village Manager. Accordingly, Board members shall comply with the applicable requirements of the Code of Ethics for Public Officers and Employees as provided in Part ID of Chapter 112, F.S. and any other standards of conduct set by federal, state, county, Village or other applicable law.

**Sec 2-240. Rules of procedure, Other Requirements.**

- (a) The Board may adopt rules of procedure as authorized by Village Code Section 2-10 (k). In the absence of the adoption of such rules of procedure, the fundamental parliamentary procedures of Roberts Rules of Order shall apply, subject to the provisions of Village Code Section 2-10.
- (b) During the first meeting of the Board, the members shall elect one of their members to act as chairman, vice-chairman and a secretary.
- (c) The Board shall be subject to and shall comply with the applicable provisions of Village Code Section 2-10.

**Sec 2-241. Jurisdiction.**

- (a) The jurisdiction of the Board shall be solely advisory. Final advisory action of the Board shall be in the appropriate form, and written recommendations shall be provided to the Village Council. The following matters shall be within the jurisdiction of the Board:
  - (1) Study, evaluate and make recommendations to the Village Council regarding the establishment of a

compact(s) or other agreements between the Village of Key Biscayne and Miami-Dade County Schools for the enhancement and greater benefit of the K-8 students of Key Biscayne; ♦

(2) Interaction and ongoing dialogue with the principal of the Key Biscayne K-8 Center and any designees) in accomplishing the goal set out in (a)(1) above.

(b) The Board shall not have jurisdiction over or related to any matter concerning the duties, employment or performance of Village, Miami-Dade County, or Key Biscayne K-8 Center employees, nor over the policies and/or procedures of the Key Biscayne K-8 Center.

\* \* \*

Section 3. Severability. That the provisions of this Ordinance are declared to be severable, and if any section, sentence, clause or phrase of this Ordinance shall for any reason be held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining sections, sentences, clauses, and phrases of this Ordinance but they shall remain in effect, it being the legislative intent that this Ordinance shall stand notwithstanding the invalidity of any part

Section 4. Inclusion in the Code. That it is the intention of the Village Council, and it is hereby ordained that the provisions of this Ordinance shall become and made a part of the Code of the Village of Key Biscayne; that the sections of this Ordinance may be renumbered or relettered to accomplish such intentions; and that the word "Ordinance" shall be changed to "Section" or other appropriate word.

Section 5. Effective Date. That this ordinance shall become effective immediately upon adoption at second reading.

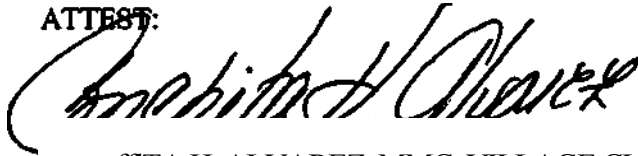
PASSED AND ADOPTED on first reading this 28th day of April, 2009.

PASSED AND ADOPTED on second reading this 9th day of June, 2009.



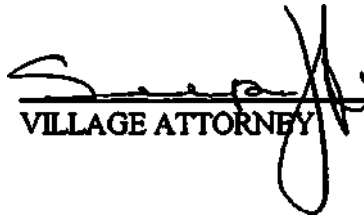
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ATTEST:



rita H. ALVAREZ, MMC, VILLAGE CLERK

APPROVED AS TO FORM AND LEGAL SUFFICIENCY

  
VILLAGE ATTORNEY ^li^,

MAYOR ROBERT L. VERNON ,

[C:\OFFICE\BWP\W\hAORDINAN\2009\Amending](#) Code Creating K-8 Education Advisory Board

# MIAMI DAILY BUSINESS REVIEW

Published Daily except Saturday, Sunday and  
Legal Holidays Miami, Miami-Dade  
County, Florida

STATE OF FLORIDA  
COUNTY OF MIAMI-DADE:

Before the undersigned authority personally appeared O.V. FERBEYRE, who on oath says that he or she is the VICE PRESIDENT, Legal Notices of the Miami Daily Business Review f/k/a Miami Review, a daily (except Saturday, Sunday and Legal Holidays) newspaper, published at Miami in Miami-Dade County, Florida; and the attached copy of advertisement, being a Legal Advertisement of Notice in the matter of

VILLAGE OF KEY BISCAYNE ORDINANCE  
MEETING - MAY 26, 2009

in the XXXX Court.  
was published in said newspaper in the issues of

05/14/2009

Affiant further says that the said Miami Daily Business Review is a newspaper published at Miami in said Miami-Dade County, Florida and that the said newspaper has heretofore been continuously published in said Miami-Dade County, Florida, each day (except Saturday, Sunday and Legal Holidays) and has been entered as second class mail matter at the post office in Miami in said Miami-Dade County, Florida, for a period of one year next preceding the first publication of the attached copy of advertisement; and affiant further says that he or she has neither paid nor promised any person, firm or corporation any discount, rebate, commission or refund for the purpose of securing this advertisement for publication in the said newspaper.. "



Sworn to and subscribed before me this

t4 day of MAY . A.D. / 2009



(SEAL)

O.V. FERBEYRE personally known to me



## VILLAGE OF KEY BISCAYNE\*

### OFFICE OF THE VILLAGE CLERK

#### PUBLIC NOTICE

Notice is hereby given that the following ordinance will be considered on Second Reading by the Village Council of the Village of Key Biscayne at a meeting to be held on Monday, May 25, 2009 at 7:00 p.m. in the Council Chamber, located at 660 Crandon Boulevard, Key Biscayne, Florida:

AN ORDINANCE OF THE VILLAGE OF KEY BISCAYNE, FLORIDA, AMENDING CHAPTER B, "ADMINISTRATION" OF THE CODE OF KEY BISCAYNE; FLOMCA CREATING NEW ARTICLE MX, "K-8 EDUCATION ADVISORY BOARD"; ESTABLISHING A NEW BOARD AND PROVIDING REQUIREMENTS. FOR MEMBERSHIP AND JURISDICTION OF THE BOARD; PROVIDING FOR SEVERABILITY; PROVIDING FOR MCLUSKM IN THE CODE AND PROVIDING FOR AN EFFECTIVE DATE.

The proposed Ordinance may be inspected by the public at the Office of the Village Clerk. Interested parties may appear at the Public Hearing and be heard with respect to the proposed Ordinance. Any person: who wishes to appear at the hearing should register with the Village Clerk prior to that time being heard.

In accordance with the Americans With Disabilities Act of 1990, all persons who are disabled and who need special accommodations to participate in the proceedings because of that disability should contact the Office of the Village Clerk at West McFartyre Street, Suite 220, Key Biscayne, Florida 33149, telephone number (305) 365-5506, not later than two business days prior to such proceeding.

Should any person desire to appeal any decision of the Village Council, the person should file a written appeal with the Village Clerk within ten days of the date of the decision. A verbatim record of the proceedings is made including all testimony and evidence upon which any appeal may be based (F.S. 286.105).

Comments of any interested party relative to this matter may be submitted in writing to the Village Clerk at the address above.

Cecilia H. Alvarez, MMC.  
Village Clerk  
5/14

09-4-25671231649M